

**DECLARATION, POWER OF ATTORNEY AND PETITION**

I, Ted Marchildon, declare: that I am a citizen of Canada and that my residence and post office address is #10 - 954 S.W. Marine Drive, Vancouver, British Columbia V6P 5Z2, CANADA; that I verily believe I am the original, first and sole inventor of the subject matter of the invention or discovery entitled "PLANT GROWING APPARATUS", for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent or any PCT international application having a filing date before that of the application on which priority is claimed: Canadian Patent Application No. 2,412,073, filed on November 19, 2002.

I hereby appoint A. John Pate, Gary D.E. Pierce, Hal D. Baird, and Warren M. Pate of the firm of PATE PIERCE & BAIRD, as my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Gary D.E. Pierce, Esq.  
PATE PIERCE & BAIRD  
215 South Main Street, Suite 550  
Salt Lake City, Utah 84111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Vancouver, British Columbia, Canada, this 10<sup>th</sup> day of May 2005.

1-00 Inventor Ted Marchildon  
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